REMARKS

By this amendment, Applicant has canceled Claims 1-18 and 20-54 as being drawn to a nonelected invention and amended Claim 19 prior to examination on the merits, both thus for reasons unrelated to patentability. Hence, Claim 19 is pending in the application. In Figure 4, and the Sequence Listing (SEQ ID NO: 7), the amino acid sequence of Xenopus Frzb has been corrected at amino acid positions 125 and 237 from "Ile" to "Thr" as supported at 18:10-21 in the above-referenced application, as originally filed (e.g., 18: 20-21, "The nucleotide and *deduced* amino acid sequences of this Xfrzb clone is shown in SEQ ID NOS: 23 and 7, respectively [emphasis added]."); *see* GenBank accession no. U78598 in which the amino sequence is given as *corrected* SEQ ID NO: 7. No new matter has been added.

Restriction Requirement

Restriction to one of the following groups was required under 35 USC 121:

I. Claims 1, 2, 49-53 drawn to a polynucleotide encoding a Frzb protein, classified in class 536, subclass 23.5.

II. Claims 3-18, 48, 54, drawn to a Frzb protein, classified in class 530, subclass 350.

III. Claims 19-27, drawn to a method of inducing cartilage growth comprising administering a Frzb protein, classified in class 514, subclass 12.

IV. Claims 19-22, 28-30, drawn to a method of inducing bone growth comprising administering a Frzb protein, classified in class 514, subclass 12.

V. Claims 19-22, 28-30, drawn to a method of inducing nerve growth comprising administering a Frzb protein, classified in class 514, subclass 12.

VI. Claims 19-22, 28-30, drawn to a method of inducing muscle growth comprising administering a Frzb protein, classified in class 514, subclass 12.

VII. Claims 33-35, 28-30, drawn to a method of inhibiting tumor growth comprising administering a Frzb protein, classified in class 514, subclass 12.

VIII. Claims 36-39, 31-32, drawn to a method of inhibiting tumor growth comprising administering a polynucleotide encoding a Frzb protein, classified in class 514, subclass 44.

IX. Claim 40-42, drawn to an antibody to a Frzb protein, classified in class 530, subclass 387.1.

X. Claims 43-45, 31-32, drawn to a method promoting tissue growth or repair comprising administering a polynucleotide encoding a Frzb protein, classified in class 514, subclass 44.

XI. Claims 46, 47, drawn to a method of screening for an antagonist or an agonist of a Frzb protein, classified in class 435, subclass 7.2.

In response to the restriction requirement, Applicant elects Group IV, that is, Claim 19 (Claims 10-22 and 28-30 have been canceled) drawn to a method of inducing bone growth comprising administering a Frzb protein.

Election of Species

Additionally, election of species was required if Group IV is elected: SEQ ID NO: 2, SEQ ID NO: 4, and SEQ ID NO: 7.

The Applicant elects SEQ ID NO: 4 with the understanding that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141. Currently, Claim 19 in the elected group is generic.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that this application be passed to issuance. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/22/04

By: _____

Nancy W. Vensko
Registration No. 36,298
Attorney of Record
Customer No. 45,311
(805) 547-5585

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 4. This sheet replaces the original sheet. In Figure 4, the amino acid sequence of Xenopus Frzb has been corrected at amino acid positions 125 and 237 from "Ile" to "Thr" as supported at 18:10-21 in the above-referenced application, as originally filed. Additionally, the amino acid sequences of bovine Frzb, human Frzb, Xenopus Frzb, and the consensus sequence have been conformed to Figure 4 as originally filed to correct typographical errors that were inadvertently introduced into the formal drawings.